



An
Bord
Pleanála

Inspector's Report

ABP-313828-22

Development

Demolition of existing building and construction of 5 storey over partial basement mixed use development comprising gastro pub/restaurant with off-licence, 2 retail units, 50 apartments, parking and associated site development works.

Location

Lands at the Silver Granite Public House, Palmerstown, Dublin 20

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD21A/0271

Applicant(s)

Hollyville Investment Limited

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

The Moriarty Group
Kennelsfort Management Company
Limited
Joan Sheahan

Dermot Keogh

Observer(s)

Kevin Hope

Gus O'Connell and Others

Date of Site Inspection

29th November 2023

Inspector

Elaine Power

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
4.0 Relevant Planning History	7
5.0 Policy Context.....	8
6.0 The Appeal	14
7.0 Assessment.....	23
8.0 Appropriate Assessment.....	53
9.0 Recommendation.....	61
10.0 Reasons and Considerations	62
Appendix 1 – Form 1: EIA Pre-Screening	
Appendix 2: Preliminary EIA Screening	

1.0 Site Location and Description

- 1.1. The appeal site is located in Palmerstown. The main development site is located at the junction of Kennelsfort Road Upper and Wheatfield Road at the site of the existing Silver Granite Public House. The second site is located on the opposite side of Kennelsfort Road Upper, at the site of the existing car park of the Silver Granite public house, which is accessed via Palmerstown Park.
- 1.2. The overall site has a stated area of 0.48ha. The surrounding area is suburban in character with a variety of uses. The main development site is bound to the north by Wheatfield Road, further north are 2-storey dwellings fronting onto Kennelsfort Road Upper, to the south by a Petrol Station (Circle-K), to the east by the gable end of a 2-storey dwelling Wheatfield Road and the rear gardens of dwellings on Oakcourt Grove and to the west by Kennelsfort Road Upper. The car parking area is located within the existing car park of Palmerstown Shopping Centre. To the north the site is bound by car parking spaces which are also indicated as being within the applicants ownership (blue line boundary), to the south by a builders suppliers to the east is Kennelsfort Road Upper and to the west is the Palmerstown Shopping Centre, which comprises a 2-storey row of retail and commercial uses, including a supermarket (SuperValu), fitness centre and childcare facility.
- 1.3. The main development site currently accommodates the Silver Granite public house. This is a 2-storey building with associated off-licence, bookmakers and barbers. There is an existing low wall around the sites southern and eastern boundaries with limited surface car parking within the site. Access to the site is available from both Wheatfield Road and Kennelsfort Road Upper.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of an existing 2-storey public house and associated commercial units and the construction of a 5-storey over partial basement, mixed use development. The scheme would accommodate a gastro pub / restaurant (558sqm) with off-licence (147sqm), 2 no. retail units and 1 no. ESB substation at ground floor level at ground floor level. The retail units proposed are a convenience store (Spar) (c. 226sqm) and a Pharmacy / Bookmaker (157sqm). The

scheme includes 50 no. apartments at first to fourth floor level the unit mix comprises 25 no. 1-bed units and 25 no. 2-bed units, all with associated private open spaces. The proposed development includes 53 no. car parking spaces, comprising 32 no. residential spaces and 21 no. commercial spaces, 2 no. motor cycle spaces and 128 no. bicycle parking spaces.

2.2. The proposed scheme also include upgrade works to the public realm and the existing pedestrian crossing on Kennelsfort Road Upper and all associated works to facilitate the development.

2.3. Key Development Statistics are outlined below:

	Proposed
Site Area	0.47 ha Gross / 0.27 ha Net
No. of Units	50 no. apartments
Unit mix	25 no. 1 bed units and 25 no. 2-beds
Density	106 units per ha gross / 189 no. units per ha net
Plot Ratio	1.3
Site Coverage	91% of developable area
Height	5 storeys
Other Uses	Gastro pub / restaurant (558sqm) Off-licence (147sqm), Convenience store / Spar (c. 226sqm) Pharmacy / Bookmaker (157sqm)
Open Space	671sqm of public open space 444sqm of communal open space
Car Parking	53 no.
Bicycle Parking	128 no.

3.0 Planning Authority Decision

3.1. Decision

Grant Permission subject to 17 no. standard conditions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The initial Planners Report dated 25th November 2021 recommended that further information be sought with regard to 7 no. items. These items are summarised below:

1. A revised drawings, documentation including a site layout plan for the proposed car parking area.
2. Details of footpaths, road layouts, car and bicycle parking to be submitted.
3. A drainage plan consistent with SUDS shown on the landscape plans.
4. Clearly indicate the location of the proposed public open space.
5. Land ownership details for the car parking area.
6. Schedule indicating compliance with Appendix 1 of the Apartment Guidelines.
7. A Building Lifecycle Report and contiguous elevation to be submitted.

The Planners Report dated 23rd May 2022 considered that all items of further information had been adequately addressed and recommended that permission be granted subject to conditions.

3.2.2. **Other Technical Reports**

Roads Department: The report dated 27th October 2021 recommended that further information be sought with regard to car parking, bicycle parking, pedestrian routes, vehicular access and sightlines. This reflected in item 1 and 2 of the planning authority's request for further information. The report dated 14th July 2022 considered the response to further information to be acceptable. No objection to the proposed development.

Water Services: The reports dated 3rd November 2021 and the 6th June 2022 both note the lack of clarity regarding surface water drainage. No objection to the proposed development subject to conditions.

Environmental Health: No objection subject to conditions.

Public Realm Planning (Parks): The report dated 12th November 2021 notes the inconsistencies between the landscape drawing and the drainage drawings. No

objection to the proposed development subject to conditions. The report dated 19th May 2022 raised no objection subject to conditions.

3.3. **Prescribed Bodies**

Uisce Eireann: The report dated 5th November 2021 raised no objection subject to conditions.

3.4. **Third Party Observations**

There are 22no. third party objections on file. The concerns raised in the observations are similar to those raised in the appeals, which are summarised below.

4.0 **Relevant Planning History**

Subject Site

There are a number of applications for minor alterations to the existing public house and car park. These are outlined in Section 3 of the applicants Planning Report. In my opinion these are not relevant to the current appeal.

Surrounding Sites

ABP. 317668-23, Reg. Ref. LRD.23A/0003: A Large-Scale Residential Development was granted permission in 2023 for the demolition of warehouse / factory buildings and the construction of 127 no. apartments, 3 no incubator units and all associated works in 4 no. blocks ranging in height from 5-8 storeys at Cherry Orchard Industrial Estate and Kennelsfort Road Upper, c. 200m south of the appeal site.

ABP.307092-20 Strategic Housing Development Application: Permission was granted in 2020 for the demolition of existing structures and the construction of 250 no. Build to Rent apartments and associated site works in 5 no. blocks ranging in height from 4-8 storeys at Palmerstown Retail Park, Kennelsfort Road Lower, c. 600m north of the appeal site, on the opposite side of the N4.

Reg. Ref. SD17A/0273: Permission was refused in 2017 for the construction of 2 no. 3-bed houses in the rear garden of no. 12 and 13 Oakcourt Grove. This site is located east of appeal site, on the opposite side of the laneway. The reasons for refusal related

to (1) endangering public safety by reason of a traffic hazard, (2) over-development of the site and (3) undesirable precedent.

5.0 Policy Context

5.1. ***South Dublin County Development Plan 2022 -2028***

5.1.1. The site is zoned 'DC' District Centre with the associated land use objective *to protect, improve and provide for the future development of District Centres*. Public house, off-licence, shop (local and neighbourhood), car park and residential uses are permitted in principle on lands zoned District Centre.

5.1.2. Chapter 2 of the Plan sets out the core strategy and settlement strategy for the county. Table 14 identifies Palmerstown as being within the settlement of Dublin City and Suburbs (edge of city). Section 2.5.6 states that based on the population targets and housing need set out within National and Regional planning policy, the Development Plan must accommodate an additional 45,002 persons and 15,576 residential units over the lifetime of the plan. Table 11 envisions an additional 2,673 no. residential units in Lucan, Adamstown and Palmerstown by 2028.

5.1.3. Palmerstown Shopping Centre is identified as a Level 4 retail centre in the County's Retail Hierarchy, set out in Table 9.1. The 4 centres usually contain one supermarket ranging in size from 1,000- 2,500 sqm with a limited range of supporting shops and retail services and possibly other services such as post offices, community centres or health clinics grouped together to create a focus for the local population. These centres meet the local day-to day needs of surrounding residents. The following policy is considered relevant.

5.1.4. Relevant policies and objectives include: -

Policy QDP1: Successful and Sustainable Neighbourhoods Support the development of successful and sustainable neighbourhoods that are connected to and provide for a range of local services and facilities.

Policy QDP4: Healthy Placemaking Promote the delivery of neighbourhoods that are attractive, connected, vibrant and well-functioning places to live, work, visit, socialise and invest in.

Policy QDP5: Connected Neighbourhoods Promote short distance neighbourhoods and strive towards the achievement of 10-minute settlements over the lifetime of the Plan, promoting a more compact development form, sustainable movement, and ease of access to services, community facilities, jobs and amenities.

Policy QDP7: High Quality Design – Development General Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.

Policy QDP8: High Quality Design – Building Height and Density Guide (BHDG) Adhere to the requirements set out in the Urban Development and Building Height Guidelines (2018) issued by the DHLGH through the implementation of the Assessment Toolkit set out in the South Dublin County’s Building Heights and Density Guide 2021.

Policy QDP9: High Quality Design - Building Height and Density Apply a context driven approach to building heights in South Dublin, as supported by South Dublin’s Building Heights and Density Guide.

Policy QDP10: Mix of Dwelling Types Ensure that a wide variety of housing types, sizes and tenures are provided in the County in accordance with the provisions of the South Dublin County Council Housing Strategy 2022-2028.

Policy QDP11: Materials, Colours and Textures Promote high-quality building finishes that are appropriate to context, durable and adhere to the principles of sustainability and energy efficiency.

Policy H13: Residential Consolidation Promote and support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.

Policy SM7: Car Parking and EV Charging Implement a balanced approach to the provision of car parking with the aim of using parking as a demand management measure to promote a transition towards more sustainable forms of transportation, while meeting the needs of businesses and communities.

Policy EDE12: Retail – District Centres Maintain and enhance the retailing function of District Centres (Level 3 and Level 4)

5.2. **Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019.**

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people’s quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The site is located with the ‘Dublin Metropolitan Area’. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. The followings RPOs are of particular relevance:

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the ‘Sustainable Residential Development in Urban Areas’. ‘Sustainable Urban Housing; Design Standards for New Apartment’ Guidelines, and Draft ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

5.3. ***National Planning Framework***

The National Planning Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include:

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.
- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

5.4. ***Section 28 Ministerial Guidelines***

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Sustainable Urban Housing: Design Standards for New Apartments, 2023
- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013

- The Planning System and Flood Risk Management Guidelines, 2008

5.5. Natural Heritage Designations

The following designated sites are within 15km of the appeal site.

- Rye Water Valley / Carton SAC (001398) c. 8km west of the appeal site.
- Glenasmole Valley SAC (001209) c.10km south of the appeal site.
- South Dublin Bay SAC (000210) c. 11km east of the appeal site.
- North Dublin Bay SAC (000206) c. 13km east of the appeal site.
- Wicklow Mountains SAC (002122) c. 13km north of the appeal site.
- South Dublin Bay and River Tolka Estuary SPA (004024) c. 10km east of the appeal site.
- North Bull Island SPA (004006) c. 14km east of the appeal site.
- Wicklow Mountains SPA (004040) c. 15km south of the appeal site.
- North-West Irish Sea SPA (004236) c. 15km east of the appeal site.

5.6. EIA Screening

5.6.1. An Environmental Impact Assessment Screening Report was not submitted with the application.

5.6.2. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:

- 10(b)(i): Construction of more than 500 dwelling units
- 10(b)(iv): Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.
- 15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.

- 5.6.3. It is proposed to demolish the existing public house and construct a 5-storey over partial basement, mixed use development comprising a gastro pub / restaurant with off-licence and 2 no. retail units at ground floor level and 50 no. apartments above on a c. 0.47 ha site. The Regulations define a 'business district' as a district within a city or town in which the predominant land use is retail or commercial use. The appeal site is zoned DC – District Centre with the associated land use objective *to protect, improve and provide for the future development of District Centres*. Therefore, it is my opinion that the subject site falls within the definition of a business district. However, the size of the site is below the applicable threshold of 2ha.
- 5.6.4. There are limited excavation works proposed. Having regard to the relatively limited size and the urban location of the development, and by reference to any of the classes outlined above, a mandatory EIA is not required. I would note that the development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The site is not subject to a nature conservation designation. The proposed development would use the public water and drainage services of Uisce Eireann and South Dublin County Council, upon which its effects would be marginal. An Appropriate Assessment Screening Report was submitted with the application which notes that the proposed development individually or in combination with other plans and projects would not adversely affect the integrity of the European Sites and that associated environmental impacts on these sites, by reason of loss of protected habitats and species, can, therefore, be ruled out.
- 5.6.5. Given the information submitted by the applicant, having carried out a site visit on the 29th November 2023 and to the nature and limited scale of the proposed development and the absence of any connectivity to any sensitive location, I am satisfied that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. The planning authority also concluded in their assessment that there is no likelihood of significant effects on the environment arising from the proposed development. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. 4 no. third party appeals were received from The Moriarty Group (owners of the Supervalu within the Palmerstown Shopping Centre); Kennelsfort Management Company Limited (representing the businesses within the Palmerstown Shopping Centre); Joan Sheahan; and Dermot Keogh. The submission from The Moriarty Group includes a Traffic and Transport technical report. The concerns raised in the appeals are similar and are summarised below: -

Principle of Development

- The mix of uses is inappropriate having regard to the sites zoning objective. There are an overconcentration of retail uses in the area.
- The shopping centre site has always been treated as a whole and is within third party ownership.

Design Approach

- The height is excessive and does not have regard to the prevailing building heights. Concerns raised that this is a material contravention of the development plan.
- The density is excessive at this location.
- This is not an appropriate infill development.
- The development would not result in a cohesive street pattern or streetscape. It results in overdevelopment of the site and would negatively impact on the visual amenities of the area.
- Concerns regarding the internal location of the bin storage units and the lack of storage space to facilitate the separation of waste.
- Concerns regarding the layout of the commercial units, which require shared staff facilities.
- The location of the private open space at the sites southern boundary overlooking a petrol station is inappropriate and would lead to a poor quality of residential amenity for future occupants.
- Insufficient public and private open space provided within this constricted site.

- Concerns regarding the size of the units and the unit mix.
- Concerns that 40% of the units are single aspect. 11 no. apartments are single aspect and north facing.
- The design negatively impacts on the development potential of backland development at no. 12 and 13 Oakcourt Grove.

Retail Use

- The proposed development would negatively impact on the viability of the existing supermarket.
- The convenience retail unit combined with the loss of commercial car parking would negatively impact on the viability of the existing supermarket (SuperValu).

Residential Amenity

- The proposed development, which is 5-storeys would result in undue overshadowing of adjacent 2-storey houses.
- The scale and massing of the scheme is inappropriate at this location and would have an overbearing impact on adjacent residents.
- The proposed development would result in direct overlooking of adjacent properties and amenity spaces from windows and balconies. There are insufficient separation distances.
- Noise and nuisance from the use of the laneway to service the commercial units.
- Concerns regarding light spill from the proposed development.
- There is potential for damage to adjacent properties during the construction of the basement level.
- Noise and nuisance during the construction phase. No details of the construction phase have been submitted.
- Concerns regarding anti-social behaviour in the laneway.

Transportation

- The surrounding road network is at capacity. This is a busy road with a school. Additional traffic would cause a hazard.

- There is an under provision of car parking spaces. The proposed development would result in overspill car parking onto the surrounding road network.
- A loading bay on Wheatfield Road was removed during the further information response. No suitable alternative was provided.
- The location of residential car parking on the opposite side of the road is not acceptable. No consideration of accessible car parking within the site.
- The lack of traffic calming measures, design improvements and increasing the density with shared parking facilities has the potential to have detrimental effects on pedestrian, cyclists and traffic safety.
- The existing laneway is a proposed pedestrian route and a service area. Concerns regarding the potential for conflict as there is no limitation on service times.
- The existing laneway would be privatised.
- Potential for traffic hazard on Wheatfield Road due to the location of the proposed service laneway and poor sightlines.
- Concerns regarding access to the site for emergency vehicles.
- Over reliance of public transport and cycling.
- These proposed car parking spaces are already in use by the Palmerstown Shopping Centre. No consideration of the impact of the loss of car parking from the shopping centre.
- Car Parking space no. 10 would block an existing service yard route.
- The location of the proposed car park requires the closing off of an emergency access to the shopping centre car park.
- The access to the surface car park is from lands within the ownership of a third party (Moriarty Group)
- The layout of the car park shown on the drawings submitted does not reflect the actual layout of the car park.
- The car park would require a new vehicular access / egress from Kennelsfort Road, this does not form part of the proposed development, therefore, a further planning application is required.

- The proposed car parking layout requires cars to exit the wrong way onto a one-way system.

Other Issues

- No letter of consent was submitted for the works outside the applicant's red line boundary.
- No consultation with any third parties.
- There is no legal agreement to carry out works in the shopping centre car park.

6.2. Applicant Response

The applicant submitted a detailed response to the appeal including a Traffic and Roads technical note, a Daylight and Sunlight Assessment, a note on construction management and land registry details. The response is summarised below: -

Design Approach

- The appeal site is an under-utilised brownfield site, located in a highly accessible urban area. This represents an opportunity to deliver much needed housing in the metropolitan area. This site is suitable for higher density.
- The gross density is 106 units per ha while the net is 188 units per ha.
- The height is not excessive and this is not a tall building. The proposed development is in accordance with SPPR 3 of the Building Height Guidelines.
- The scheme is consistent with the principles of national policy.
- The surrounding area is served by Waterstown Park and Liffey Valley. It is also located in close proximity to the Phoenix Park. The proposed development incorporates high quality playground, road and public realm improvements and active streetscapes.
- The site is surrounded by a variety of existing social and community uses and amenities and services.
- The scheme has been sensitively designed to provide a high quality mixed use scheme that would introduce an attractive landmark. The design response is appropriate to its location.

- The scheme incorporates active uses at ground floor level with residential uses above. This provides passive overlooking for the adjacent streets.
- The quantum of public open space has been assessed and approved by the planning authority.
- All apartments are in accordance with the standards set out in the Apartment Guidelines.
- The mix of units is appropriate and a welcome addition to the area as it will support a range of tenure, age and social mix in the locality.
- Bin storage has been designed in accordance with the Apartment Guidelines.
- With regard to concerns of light spill condition 5 required a public lighting design to be agreed with the planning authority. The applicant is happy to comply with this condition. It is also noted that there is existing lighting on this road.
- The scheme is adequately serviced with lighting, ventilation and refuse.
- It is noted that permission was previously refused (SD17A/0273) for 3 no. houses in the rear gardens of no. 12 and 13 Oakcourt Grove. It is considered the proposed development would not hinder the development of this site.

Residential Amenity

- The submitted Daylight and Sunlight Assessment found that the proposed scheme would have no impact to the amenity of adjacent properties and is in accordance with the BRE Guidelines.
- The scheme has been designed to ensure no undue overlooking, including 1.8m high opaque screens to balconies.
- Appropriate separation distances have been provided to ensure the scheme does not negatively impact on existing residential amenities. The proposed development would not result in undue overlooking or have an overbearing impact.
- A details construction management plan would be approved by the appointed contractor and agreed with the planning authority.

- The communal roof area would operate like a private garden and would not cause undue noise or nuisance. It also adds passive surveillance of the building and the surrounding roads.

Transportation

- The car parking area currently operates as a car park for the Silver Granite public house and the applicant is the legal owner. The car park does not only serve the Palmerstown Shopping Centre.
- The proposed development meets all the requirements for reduced car parking. The level of car parking is appropriate and adequate to serve the development.
- Auto-track drawings were submitted with the application which indicate the large refuse truck can access and egress the laneway. Appropriate sightlines are also available on Wheatfield Road and were submitted. These were deemed sufficient to the planning authority.
- The laneway from Wheatfield Road is currently used by the Silver Granite. The proposed development would continue to use this laneway in a similar manner, which are infrequent servicing and deliveries.
- If there are capacity issues within the Palmerstown Park Shopping Centre this could be addressed by introducing restrictive measures to ensure a turn-around of existing spaces.
- The car parking area is linked to the main appeal site by an existing toucan crossing. The crossing is the correct geometry and provides adequate sightlines. It creates a traffic calming feature and is consistent with DMURS.
- The Traffic Assessment indicates that the level of vehicular trips generated by the proposed development would be low in the context of the adjacent shopping centre. A detailed Traffic Assessment was submitted in support of the application.
- A set down area was proposed along Wheatfield Road. However, this was not acceptable to the planning authority. The applicant is happy to provide a loading bay area. Servicing and refuse collection is a normal part of any development. It is generally infrequent with low volumes of traffic at off peak periods.

- Cycle parking provision is appropriate for the proposed scheme and in excess of development plan standards.
- Adequate parking has been provided. The proposed scheme would not result in overspill car parking.

Retail Use

- The proposed convenience retail unit would not result in an overconcentration of retail development. The site is zoned for district centre uses and the units are not of a scale that would undermine the vitality of the existing uses within the Palmerstown Shopping Centre.

Other Issues

- The public areas have been included in the redline boundary as it is proposed to upgrade these areas as part of the development. This was agreed with the planning authority.

6.3. Planning Authority Response

The planning authority confirms its decision and notes that the issues raised in the appeals have been covered in the planners report.

6.4. Observations

6.4.1. 2 no. observations were received from Kevin Hope and Gus O’Connell and Others. The grounds of the observations are similar to those raised in the appeals. To avoid repetition only additional concerns raised are summarised below.

- The observation from Cllr. Gus O’Connell and others includes shadow diagrams. Concerns that the scheme would unduly overshadow existing dwellings.
- Over proliferation of off licences in the area. No requirement for an additional off-licence.
- No requirement for an additional pharmacy.
- The green roof should be replaced with solar panels.

- Increased pressure on drainage and foul water network which are already at capacity.

6.5. Further Responses

6.5.1. *Response from the Moriarty Group to the other 3 no. appeals.*

The Moriarty Group submitted a response to the 3 no. appeal. Documents relating to the title of the land have also been submitted, which indicate that the car park portion of the appeal site is within the ownership of Kennelsfort Management Company Limited. The submission raises concerns previously outlined in their appeal. To avoid repetition only additional concerns raised are summarised below.

- Health and safety risk to allow cars to exit the wrong way in to a one-way system. If permission was given to allow access through the private car park the car park would be required to be resurfaced.
- The applicant is not the owner of the car park nor do they have consent to make this application.
- The appellant's were not consulted by the applicant about access through their lands and do not give consent.
- The applicant cannot comply with Condition 4 of the grant of permission as the applicant cannot reserve, designate or protect the use of car parking spaces for the proposed development.

6.5.2. *Response from Third Parties to the First Party Response*

The 4 no. appellant's responded to the first parties response to the appeals. The concerns raised were similar to those outlined in the appeal. To avoid repetition only additional concerns raised are summarised below.

- The submission from The Moriarty Group includes a Solicitors letter outlining the legal history of the car parking area and the appellants 'Right of Way Agreement' of the proposed car parking area. It also notes that the car park was not to be segregated from Shopping Centre lands, with no divisions or wall. The works were carried out as per the Development Agreement (Contracts). These have been attached with the submission.

- The proposed development is not on the same level as Oakcourt Grove. The proposed development would be higher and would overlook existing residential properties.
- Current deliveries to the existing public house and restaurant are made from the front of the building and not from the rear lane. The laneway is gated.
- No allowance has been made for visitor cycle parking.
- The Daylight and Sunlight Assessment were carried out in accordance with BS 8206-2:2008, which only applies to the UK. A European standard should be applied. VSC was not used to assess the impact on adjacent properties.
- The construction management plan requires more detail.
- It is acknowledged that the spaces within the Palmerstown Shopping Centre Car Park may be used informally by customers of the Silver Granite in the off peak periods, however, there is no designated area.
- Refuse trucks are unlikely to use the laneway and would use Wheatfield Road.

6.5.3. *First Party's Response's to the Response by The Moriarty Group*

The applicant submitted a response to the submission by The Moriarty Group. To avoid repetition only additional concerns raised are summarised below.

- The submission includes a Solicitors letter which outlines the applicants rights over the car parking area and the entrance / exit to the car park. The consent of The Moriarty Group is not required to make this application.
- Both owners of the car park have a right of way over the car park.
- This car park is used by customers of the Silver Granite and the use would not be materially altered. There is ample car parking to serve all users.
- It was the planning authority's request that the access from Kennelsfort Road be pedestrian only. This was requested by further information.
- There is a small access gate to the rear of the Palmerstown Shopping Centre. This entrance would be maintained.

7.0 **Assessment**

7.1. Having examined the appeal details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant policies and guidance, I consider that the main issues in this appeal are as follows:

- Principle of Development
- Retail Uses
- Quantum of Development
- Design and Layout
- Unit Mix
- Open Space
- Building Height
- Residential Amenity
- Car Parking
- Transportation
- Water Services
- Planning Assessment Conclusion

7.2. It is noted that throughout the applicants documentation an Architectural Design Statement is referenced to justify some elements of the scheme. This document is not on the file. It was requested from the planning authority who have stated that they do not have this document. Notwithstanding this, I am satisfied that there is sufficient information on the file to comprehensively assess the proposed development.

7.3. ***Principle of Development***

7.3.1. The planning authority assessed the scheme against the provisions of the South Dublin County Development Plan 2016 - 2022, which was the relevant statutory plan in place when the application was decided. It is noted that the third parties also raise concerns regarding a material contravention of the previous development plan. The

current development plan was adopted in August 2022 and my assessment is based on the policies and objectives of the current statutory plan, which is the South Dublin County Development Plan 2022-2028.

- 7.3.2. The site is zoned 'DC' District Centre with the associated land use objective *to protect, improve and provide for the future development of District Centres*. Public house, off-licence, shop (local and neighbourhood), car park and residential uses are all permitted in principle on lands zoned District Centre. I am satisfied that the proposed uses are permissible in principle and should be assessed on their merits.

7.4. **Retail Uses**

- 7.4.1. Concerns are raised regarding the impact of the proposed retail uses on the viability and vitality of the Palmerstown Shopping Centre. The proposed scheme includes an off-licence (147sqm), 2 no. retail units a convenience store (Spar) (c. 226sqm) and a Pharmacy / Bookmaker (157sqm) at ground floor level.
- 7.4.2. The County's Retail Strategy is set out in Section 9.4 of the Development Plan. Palmerstown Shopping Centre is identified as a Level 4 Retail Centre. Level 4 centres are neighbourhood centres that usually contain one supermarket with a limited range of supporting shops and retail services and possibly other services such as a post office, community centre or health clinics grouped together to create a focus of the local population. Palmerstown Shopping Centre, comprises a 2-storey row of retail and commercial uses, including a supermarket (SuperValu), fitness centre, childcare facility and a post office. The lands of the Palmerstown Shopping Centre and the appeal site are all zoned district centre. I am satisfied that the appeal site is a suitable location for amenities and services to support the district centre. It is also noted that the appeal site currently accommodates a public house, off-licence, bookmakers and barbers. Having regard to the limited size of the proposed retail units and the sites zoning objective I am satisfied that the proposed development would not negatively impact on the vitality or viability of the existing retail units within the Palmerstown Shopping Centre. It is also my opinion that the proposed uses are in accordance with Policy EDE12 to maintain and enhance the retailing function of district centres.

7.4.3. Specific concerns are also raised by third parties regarding a proliferation of off-licences in the area. It is noted that there is an existing off licence within the appeal site. Therefore, I have no objection to the proposed continuation of this use, which is permissible in principle under the sites zoning objective.

7.5. ***Quantum of Development***

7.5.1. Concerns are raised by third parties that the density is excessive at this location and would be inappropriate. The appeal site has a stated area of 0.47ha, with a net developable area of c. 0.27 ha. The net area excludes the site of the car park and the works to the public realm. Therefore, the residential element has a gross density of c. 106 units per ha and a net density of c. 185 units per ha.

7.5.2. The development plan does not set blanket density limitations. However, Policy QDP8 requires that proposed developments comply with the criteria set out in South Dublin County's Building Heights and Density Guide 2021 and Policy QDP9 also requires that a context driven approach be applied to building heights, as supported by the Building Heights and Density Guide.

7.5.3. Chapter 2 of the Apartments Guidelines, 2023 notes that it is necessary to significantly increase housing supply, and City and County Development Plans must appropriately reflect this and that apartments are most appropriately located within urban areas, and the scale and extent should increase in relation to proximity to public transport as well as shopping and employment locations. The apartments guidelines identify accessible urban locations as sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.

7.5.4. There is an existing bus stop at the site western boundary on Kennelsfort Road Upper and another bus stop on the opposite side of the road. These stops are served by routes 26 and L55. The 26 provides connectivity between Liffey Valley and Merrion Square via Palmerstown. This route has a frequency of 10 minutes in the peak period. The Busconnects website (www.busconnects.ie) indicates that the 26 would no longer operate under the revised scheme. Kennelsfort Road would be served by the no. 80. This route would provide connectivity between Liffey Valley and Ballinteer via the city

centre. This route would operate every 10 minutes during the peak periods, with a bus stop directed adjoining the appeal site. The L55 is a local route that connects Palmerstown Village with Chapelizod Village, via Kennelsfort Road. This service operates every hour.

- 7.5.5. The subject site is also located within 200m of the Cherry Orchard Industrial Estate, 1km (as the crow fly's) of Liffey Valley Shopping Centre, c. 2km (as the crow fly's) of the Hermitage Medical Clinic and c. 2km (as the crow fly's) of Park West Business Park. The appeal site is also well served by local retail, services and amenities with Palmerstown and Ballyfermot.
- 7.5.6. In addition, Objectives 4, 13, 33 and 35 of the National Planning Framework, RPO 5.4 and RPO 5.5 of the Regional Spatial and Economic Strategy 2019-2031 and SPPR3 and SPPR4 of the Urban Development and Building Heights Guidelines, all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments.
- 7.5.7. Having regard to the site's urban location, proximity to high frequency and capacity public transport and proximity to employment centres and urban amenities, it is my opinion that the proposed development complies with national guidance and, therefore, is suitable for higher density. It is also my view that the proposed density would support the Core Strategy, as set out in Chapter 2 of the development plan, which aims to provide an additional 15,576 residential units in Lucan, Adamstown and Palmerstown by 2028.
- 7.5.8. While it is acknowledged that the proposed scheme has a significantly higher density than the existing residential estates in the environs of Palmerstown, it is my opinion that the proposed scheme should be viewed in the context of the surrounding area which has experienced a transition from a low density, 2-storey suburban area to a more urban area, with a mix of different types of dwellings, including apartment blocks of varying heights and significantly increased densities. As noted in Section 4 above, recent applications in which permission was granted (ABP. 317668-23, Reg. Ref. LRD.23A/0003) in 2023 for the demolition of warehouse / factory buildings and the construction of 127 no. apartments, 3 no incubator units and all associated works in 4 no. blocks ranging in height from 5-8 storeys at Cherry Orchard Industrial Estate and

Kennelsfort Road Upper, c. 200m south of the appeal site. This scheme has a density of 143 units per ha. Permission was also granted (ABP.307092-20) in 2020 for the demolition of existing structures and the construction of 250 no. Build to Rent apartments and associated site works in 5 no. blocks ranging in height from 4-8 storeys at Palmerstown Retail Park, Kennelsfort Road Lower, c. 600m north of the appeal site, on the opposite side of the N4. This scheme has a density of 197 unit per ha.

7.5.9. In conclusion, having regard to the sites zoning objective, the delivery of residential and associated commercial / retail uses in a compact form comprising higher density units on this urban site, the site's proximity to public transport and to the changing context of the city, it is my view that that the proposed quantum of development is acceptable in this instance and would be in accordance with the provisions of the development plan and with the provisions of the National Planning Framework, the Regional Spatial and Economic Strategy, the Building Heights Guidelines and the Apartment Guidelines, which all support higher density developments in appropriate locations. It is also noted that the planning authority raised no objection to the proposed density.

7.6. ***Design and Layout***

7.6.1. Concerns are raised in the appeal that the height, scale and mass of the proposed development is inappropriate at this location and would negatively impact on the visual amenities of the surrounding streetscape. In the interest of clarity my assessment relates to the design and layout submitted to the planning authority on the 22nd April 2022 in response to the request for further information.

7.6.2. The appeal site is located in Palmerstown and in my opinion comprises 2 distinct elements, in this regard the main development site and the car park site. The main development site is located at the junction of Kennelsfort Road Upper and Wheatfield Road. This site currently accommodates a public house (The Silver Granite) and an off licence, bookmakers and barber shop, with associated surface car parking. It is proposed to demolish this building and construct a 5-storey over partial basement, mixed use development.

7.6.3. Car parking for the proposed development would be provided on the opposite side of Kennelsfort Road Upper within an existing surface car park, currently utilised by

Palmerstown Shopping Centre. These car parking spaces are accessed from Palmerstown Park via the existing surface car park.

- 7.6.4. The proposed building is irregular in shape. It varies in width from c. 35m to 50m and has a depth of c. 38m. It is 5-storeys in height over a partial basement. The basement is c. 110sqm and would accommodate plant only. The first to fourth floor levels are set back c. 5m from the sites southern boundary with the petrol station and the fourth floor level is marginally set back from the sites boundaries with Wheatfield Road and Kennelsfort Road Upper. The building has a maximum height of 19m (including plant). It has a contemporary design approach, with a flat roof and large sections of glazing. The Building Lifecycle Report notes that the predominate external material would be brick. I have no objection in principle to the proposed materials, however, having regard to Policy QDP11 to promote high-quality building finishes it is recommended that if permission is being contemplated that a condition be attached that final details of the external materials be agreed with the planning authority.
- 7.6.5. The ground floor uses comprise a gastro pub / restaurant (558sqm) with off-licence (147sqm) and 2 no. retail units with 50 no. apartments above. The gastro pub is located at the sites southern boundary with the petrol station and fronts onto Kennelsfort Road Upper. The pub includes an outdoor seating area at the sites eastern boundary with Kennelsfort Road Upper. The off-licence use is located at the corner of Kennelsfort Road Upper and Wheatfield Road with additional outdoor seating proposed at this corner. The 2 no. retail units would front onto Wheatfield Road with outdoor seating adjacent to the proposed Spar unit. The applicants red line boundary extends to the public road and it is proposed to set the building line back from the site boundary and repave the footpaths. Additional planting and integrated seating areas are proposed along the sites northern and eastern boundaries. The outdoor seating areas would be physically separated from the public footpath by grass verges. Having regard to the current nature of the site it is my opinion that the proposed works to the public realm would improve the visual amenity of the site.
- 7.6.6. Concerns are raised by third parties regarding the layout of the commercial units at ground floor level. I am satisfied that the units are of a sufficient size to allow for a fitout to the requirements of the future occupier and specific conditions are not required in this regard.

- 7.6.7. The first, second and third floor layouts are similar, with 14 no. apartments (7 no. 1-beds and 7 no. 2-beds) at each level. The fourth floor level is slightly set back and accommodates 8 no. apartments (4 no. 1-beds and 4 no. 2-beds). The first to fourth floor levels are also set back c. 5m at the site southern boundary with the petrol station and communal open space is provided partly above the ground floor public house. H13 Objective 4 of the development plan promotes and encourages 'Living-Over-The-Shop' residential uses on the upper floors of appropriate buildings, with the exception of public houses, and other inappropriate places where similar business is conducted. It is noted that the applicant has tried to limited the impact by providing communal open space at first floor level over the public house. However, I have particular concern for undue noise and nuisance for first floor units 01, 02, 03 and 04, which would be located directly above the proposed public house and would also be directly above the proposed outdoor seating areas associated with the public house and consider that the proximity of these units to the public house has the potential to cause undue noise and nuisance which would negatively impact on the amenities of future occupants.
- 7.6.8. A Schedule of Accommodation was submitted by way of further information. The proposed apartment units reach and exceed the minimum standards for room sizes as set out in the Apartment Guidelines (2023). The schedule also notes that 30 no. (60%) of the apartments are dual aspect. This is significantly above the 33% standard set out in SPPR4 of the Apartment Guidelines. Therefore, I have no objection to the ratio of dual aspect units.
- 7.6.9. The Housing Quality Assessment submitted with the application states there are no north facing single aspect units within the scheme. Section 12.6.7 of the development plan states that *dual aspect apartments should have openable windows on two or more walls which provides a view in more than just one direction. The use of windows, indents or kinks on single external elevations, in apartment units which are otherwise single aspect apartments, is not considered acceptable and / or sufficient to be considered dual aspect and these units, will be assessed as single aspect units.* In my opinion apartment no. 6 and 7 at first floor level, apartment no. 20 and 21 at second floor level and apartment no. 34 and 35 at third floor level are single aspect north facing units. It is noted that the northern elevation of the building has been indented to attempt to provide corner units. However, I am not satisfied that they are dual aspect

units as the views are north-east / north-west. It is also noted that concerns were raised by third parties regarding the provision of single aspect north facing units.

7.6.10. The Apartment Guidelines state that north facing single aspect apartments may be considered, where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature. The proposed single aspect, north facing units front onto Wheatfield Road and in my opinion are not in accordance with the provisions of the Apartment Guidelines. It is acknowledged that the size of the site is limited (0.27ha) and in some instances there is a justification for single aspect north facing units. However, as this is a corner site, with frontage onto both Wheatfield Road and Kennelsfort Road Upper, I am not satisfied that the applicant has endeavoured to limit the number of north facing single aspect units. It is also noted that no justification has been provided by the applicant. It is my opinion that due to the limited number (6 no.) of single aspect north facing unit there is potential amalgamating the 1-bed units to provide larger units and omit the number of single aspect north facing unit. This would also address concerns regarding the proposed unit mix, which is outlined below.

7.6.11. The scheme also incorporates 6 no. single aspect east facing units (no. 9, 10, 23, 24, 37, 38) at first, second and third floor level. As the balconies for these units overhang the ground floor level below, they are located a minimum of c. 2m from the sites boundary with the existing laneway and c. 5.2m from the boundary with the rear gardens of existing dwellings in Oakcourt Grove. To prevent overlooking from these balconies to the rear gardens of existing dwellings, the balconies have been fitted with c. 1.8m high opaque glazed screens. I have serious concerns regarding the negative impact that a 1.8m high opaque glazed would have on the residential amenity of future occupants of these single aspect units. In my opinion the requirement for these screens indicates that the proposed design and layout of the building would result in undue overlooking of the private amenity space of existing dwellings to the east, due to the limited separation distances between the eastern elevation of the building and the existing properties to the east. While I have concerns regarding the impact of the 1.8m high screens on the residential amenity of future occupants of those single aspect east facing units, if the Board are minded to grant permission it is my recommendation that these 1-bed single aspect units (no. 9, 10, 23, 24, 37, 38) could

be amalgamated with the adjoining 2-bed units, to create larger 3-bed corner units, and the east facing balconies be omitted and any proposed windows on the eastern elevation be high level or angled. The amalgamation of units would also address the concerns regarding the unit mix, which is outlined below.

7.6.12. The bin storage for the residential units is proposed at ground floor level in 2 no. internal storage rooms (c. 23sqm and c. 26sqm). Concerns were raised by third parties regarding the size and location of the residential bin storage units. The applicant has stated that the bin storage area is in accordance with the standards set out in the Apartment Guidelines. Section 4.9 of the guidelines sets out design considerations for refuse storage facilities. These include sufficient communal storage area to satisfy the three-bin system; consideration of other recyclables such as glass and plastics; ventilation; access for waste collectors; safety risks to users and should be well-lit; should not be visible to or accessible by the general public. Waste storage areas in basement car parks should be avoided where possible; and capacity for washing down waste storage areas, with wastewater discharging to the sewer. In my opinion sufficient consideration has not been given to the location and size of the residential refuse storage area. It is my view that refuse storage areas are more appropriately located outside, in specially designed units or if located internally they should be adjacent to a boundary wall to allow for adequate ventilation, easy access for waste collectors and maintenance. Increased size of the units would also allow for adequate refuse storage for 50 no. apartment and separation of recyclables. In my opinion, the size and location of the bin storage area has not been given due consideration by the applicant.

7.6.13. Concerns are also raised in the appeals that the design of the proposed development negatively impacts on the development potential of backland development at no. 12 and 13 Oakcourt Grove. Permission was refused in 2017 (Reg. Ref. SD17A/0273) for the construction of 2 no. 3-bed houses in the rear garden of no. 12 and 13 Oakcourt Grove. It is noted that there is no current application to develop this site. I am satisfied that the proposed design and layout would not limit the development potential of this site.

7.6.14. It is acknowledged that the scale and bulk of the building is greater than the existing 2-storey residential dwellings and commercial / retail buildings. However, it is my view that the elevational treatments, which include a combination of differing brick colours and large section of glazing, creates an appropriate contemporary design approach for this urban site and would be in accordance with the provisions of healthy placemaking as set out in Policy QDP4. I am also satisfied that the provision of commercial / retail uses would provide an appropriate active frontage for this urban site and that the proposed scheme would support the consolidation of the urban environment. However, in my view the proposed design and layout of the scheme would give rise to substandard residential amenity for future occupiers, in particular due to the location of first floor units (no. 01, 02, 03 and 04) above a public house, the provision of 1.8m high opaque screens to serve 6 no. single aspect east facing units (no. 9, 10, 23, 24, 37, 38), the internal location of the bin storage facilities and the provision of 6 no. single aspect north facing units (no. 6, 7, 20, 21, 34 and 35). It is noted that some of these concerns could be addressed by way of condition, to amalgamate units. However, it is my view that due to the level of intervention and redesign required that a more optimal design solution for the site could be realised if the development was refused permission.

7.7. ***Unit Mix***

7.7.1. The proposed development comprises 25 no. 1-bed units and 25 no. 2-bed units. Concerns are raised by the third parties regarding the mix and in particular the lack of 3-bed room units. Policy QDP10 aims to ensure that a wide variety of housing types, sizes and tenures are provided in the County in accordance with the provisions of the South Dublin County Council Housing Strategy 2022-2028. Section 8.3.1 of the Strategy, which is set out in Appendix 11 of the development plan states that based on the analysis set out in the strategy residential developments are required to provide a minimum of 30% 3-bedroom units as part of the proposed scheme. In recognition that each area has specific socio-economic differences and thus different housing demands, development proposals may justify any deviation from the minimum 3-bedroom mix, based on the socio economic and demographic context within a 10-minute walking distance from the site. As the appeal was submitted prior to the adoption of the development plan the applicant has not submitted a justification for the unit mix. However, it is noted that Housing (H) Policy 10 Mix of Dwelling Types of the

previous plan aimed to ensure that a wide variety of adaptable housing types, sizes and tenures were provided in the County. In addition, Section 11.3.1(i) of the plan stated that the overall dwelling mix in residential schemes should provide for a balanced range of dwelling types and sizes to support a variety of household types. It further states that proposals that include a high proportion of 1-bed dwellings (more than 10%) shall be required to demonstrate a need for such accommodation, based on local demand and the demographic profile of the area. The documentation submitted does not provide a justification of the unit mix.

7.7.2. The applicant Planning Report states that the unit mix is in accordance with the Apartment Guidelines and makes references to an Architectural Design Statement. As noted above, there is no Architectural Design Statement on file. This was requested from the planning authority, however, they responded stated that they do not have this document. Notwithstanding this, SPPR1 of the Apartment Guidelines states that apartment developments may include up to 50% 1-bed or studio type units (with no more than 20 – 25% of the total proposed development as studio's) and there shall be no minimum requirement for apartments with three or more bedrooms. While it is acknowledged that the proposed unit mix is in accordance with the provisions of SPPR1. It is noted that SPPR1 also states that statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

7.7.3. As noted above an HNDA has been prepared for the county and is set out in Appendix 11 of the development plan. Section 6.8.3 Housing Type and Mix notes that of permissions granted in 2020, 83% were apartment largely comprising 1-bed and 2-bed units. The plan acknowledges that smaller housing units are increasingly important to meet housing needs, however, an appropriate level of family type units must also be achieved to deliver sustainable communities with a diverse, multi-generational mix. The plan also noted that there may be justification for not conforming to this general requirement and flexibility in required in the standards. As the applicant has not submitted any justification for the unit mix or a demand assessment for the proposed unit mix. The proposed unit mix relies solely on SPPR1.

- 7.7.4. It is my opinion the applicant has not given due consideration to the HNDA, that was available as part of the draft development plan when the appeal was submitted or unit mix policies that formed part of the previous development plan, all of which aim to ensure an appropriate mix of units.
- 7.7.5. It is my opinion that the proposed unit mix is not in accordance with the provisions of the development plan, however, if the Board are minded to grant permission it is considered that a number of 1-bed units could be amalgamated to provide a minimum of 30% of the units as 3-bed units. This would also address concerns regarding the provision of singles aspect north facing units and the requirement for 1.8m high opaque screens for the single aspect east facing units to prevent overlooking.

7.8. ***Building Height***

- 7.8.1. Third parties raised concerns that the proposed building heights, in combination with the scale of the proposed buildings would have a negative impact on the existing visual amenities of the area and is not in accordance with the provisions of the development plan. As noted above, the proposed building is 5-storeys (18.1m excluding plant) in height. The first to fourth floor levels are set back c. 5m from the sites southern boundary with the petrol station. The fourth floor level is also set back. This set back is minimal, with a c. 1.5m set back at its western boundary with Kennelsfort Road Upper and c. 3m set back at its northern boundary with Wheatfield Road. There is no set back at the sites eastern boundary.
- 7.8.2. The development plan does not set out blanket building height limitations. However Policy QDP8 requires that proposed developments adhere to the requirements set out in the Urban Development and Building Height Guidelines through the implementation of the Assessment Toolkit set out in the South Dublin County's Building Heights and Density Guide 2021. The county's Building Heights and Density Guide is set out in Appendix 10 of the development plan and is reflective of the principles of the Building Height Guidelines.
- 7.8.3. The surrounding area is predominantly 2-storey's in height. Wheatfield Road is characterised by traditional 2-storey houses. Kennelsfort Road Upper accommodates a variety of uses including, Palmerstown Shopping Centre which comprises a 2-storey row of retail and commercial uses, comprising a supermarket (SuperValu), post office,

fitness centre and childcare facility, a Builder Provider's, a Petrol Station (Circle-K), 2-storey commercial units and traditional 2-storey houses. A Landscape and Visual Impact Assessment was not submitted with the application, however, a booklet of 6 no. verified views of the scheme were submitted. The verified views provide a comparison of the existing site and the proposed development. It is my view that the submitted photomontages provide a comprehensive and reasonable representation of how the proposed development would appear. The photomontages indicate that the scheme would be highly visible when viewed from both Kennelsfort Road Upper and Wheatfield Road. It is acknowledged that the proposed height is significantly taller than the existing adjacent 2-storey buildings and would introduce new feature in the skyline. However, it is my opinion that the proposed height, in combination with the scale and bulk of the building, would not significantly detract from the visual amenities when viewed from Kennelsfort Road Upper or Wheatfield Road. It is also my view the proposed site is capable of absorbing a high-density urban scheme and that it would make a positive contribution to the streetscape, which would aid with placemaking and legibility.

7.8.4. It is noted that the no photomontages have been submitted from Oakfield Grove to the east of the site. During my site visit on the 28th November 2023 it was noted that the existing buildings on the appeal site are currently visible from Oakfield Grove. Having regard to the proposed height (18.1m) and the limited set back from the sites eastern boundary it is acknowledged that the proposed scheme would also be highly visible when viewed from Oakcourt Grove and the rear amenity spaces of the existing dwellings. However, it is my opinion that having regard to the separation distances between the existing houses and the proposed building, it would not be visually obtrusive when viewed from Oakcourt Grove.

7.8.5. In addition to the above, Section 3 of the Building Height Guidelines notes that building heights must be generally increased in appropriate urban locations. In this respect the continuation of low-rise development is not an option in this location, simply because the prevailing heights are 2-storeys. The Guidelines continues to describe information that the applicant should submit to the Planning Authority to demonstrate that it satisfies certain criteria at the scale of the relevant city/town, at the scale of district/neighbourhood/street, and at the scale of the site/building. Taking each point

in turn as detailed in this section 3.2 of the Guidelines with reference to the bullet points therein, I conclude:

Scale of Relevant city/town:

- Site is well served by public transport. There is a north and south bound Dublin Bus stop immediately adjacent to the site on the Kennelsfort Road Upper. These stops are served by the no. 26 and L55. Under Bus connects the 26 would be replaced by the 80. The existing no. 26 and the proposed no. 80 are high frequency routes in the AM and PM peak periods.
- A Landscape and Visual Impact Assessment was not submitted. However, at the scale of the city, I am satisfied that there will not be an unacceptable visual impact on long distance views.
- Improvement works to the public realm on Kennelsfort Road Upper and Wheatfield Road, including new planting and landscaping would make a positive contribution to placemaking and legibility.
- The proposed scheme makes a positive contribution to place-making.

Scale of district/neighbourhood/street:

- Design responds well to its corner location at this urban site. The northern and eastern façade onto Kennelsfort Road Upper and Wheatfield Road would positively contribute to the mix of uses on the street.
- Due to the small scale of the proposed development and the variation in materials it is not monolithic.
- In my view would not be overbearing when viewed from Oakfield Grove.
- The proposed apartments would contribute to the mix of dwelling typologies in the neighbourhood.

Scale of site/building:

- The Daylight and Sunlight Analysis submitted demonstrates that that the proposed development would not result in any undue overshadowing of adjacent properties.
- The Pedestrian Level Wind Desk Based Assessment has not been submitted. Given the flat, low-lying nature of the existing site, and the height and orientation of the proposed blocks the development is unlikely to create negative local wind microclimate impacts.

- 7.8.6. I am satisfied that the relevant specific assessments required to support the development have been carried out in the reports submitted. It is also noted that the applicants Planning Report addressed each of the criteria set out in the Building Height Guidelines.
- 7.8.7. Third parties also raised concerns that the proposed building height does not have regard to the prevailing heights in the area. While it is acknowledged that the surrounding area is predominately 2-storeys in height, it is noted that permission was granted in 2023 (*ABP. 317668-23, Reg. Ref. LRD.23A/0003*) for the demolition of warehouse / factory buildings and the construction of 127 no. apartments, 3 no incubator units and all associated works in 4 no. blocks ranging in height from 5-8 storeys at Cherry Orchard Industrial Estate and Kennelsfort Road Upper. This site is located c. 200m south of the appeal site. I have no objection in principle to increased height at the subject site and I am of the opinion that this particular area can accommodate increased height over and above the prevailing context of 2 storeys.
- 7.8.8. In conclusion, it is my opinion that having regard to the setting of this site with respect to its urban location, proximity to public transport and existing services and amenities, it is a suitable location for increased height, without giving rise to any significant adverse impacts in terms of daylight, sunlight, overlooking or visual impact and represents a reasonable response to its context. It would also support the consolidation of the urban area, which would be in accordance with Policy H13 to promote and support residential consolidation and sustainable intensification at appropriate locations. It is also noted that the planning authority raised no objection in principle to the proposed height.

7.9. **Open Space**

Public Open Space

- 7.9.1. Table 8.2 of the development plan states that there is an overall standard of 2.4ha of public open space per 1,000 population. This equates to 24sqm per person. The proposed scheme has the potential to accommodate a maximum of 150 no. bedspaces. This requirement equates to 3,600sqm of public open space. It is noted that the site has a net developable area of 2,650sqm.

- 7.9.2. Table 8.2 of the development plan also states that a minimum of 10% of the total site area should be provide as public open space for new residential developments. The Site Layout Plan submitted by way of further information indicates that a total of 671sqm of open space would be provided within the site which equates to c.14% of the gross site area.
- 7.9.3. The proposed public open space comprises the public area / footpath paths at the sites northern, eastern and western boundaries. It is acknowledged that hard landscaped areas can contribute to the overall quantum of public open space, however, in my opinion the location of the proposed public open space is incidental to the development as it comprises footpaths and access / egress to and from the ground floor retail, commercial units and the residential units above. In my view the proposed public open space does not provide any active or passive amenity space for future residents or the wider environs.
- 7.9.4. It is also noted that service doors open onto the laneway to the east of the scheme, in my view this space is not within the public realm. Section 8.7.4 of the plan notes that in exceptional circumstances a financial contribution in lieu of public open space may be acceptable. If permission is being contemplated it is recommended that a condition be attached to any grant of permission that a financial contributions in lieu of public open space be paid by the applicant. This would be calculated in accordance with the South Dublin County Council Development Contribution Scheme prepared under Section 48, of the Planning and Development Act, 2000 (as amended). It is noted that the planning authority raised no objection to the lack of usable public open space within the scheme.

Communal Open Space

- 7.9.5. Table 12.21 of the development plan also sets out communal open space standards for apartments. These standards are reflective of the standards set out in the Apartment Guidelines, in this regard 5sqm per 1-bed apartment and 7 sqm per 2-bed apartment. Therefore, the proposed scheme has a requirement for 300sqm of communal open space. It is proposed to provide a total of 444sqm of communal open space in 2 no. areas. A 186sqm area of communal open space is proposed a first floor level, over the public house at the sites southern elevation with the petrol station. This

area would include a children's play area. An additional 258sqm of communal open space is proposed at fourth floor level at the sites eastern boundary with the existing laneway.

- 7.9.6. The balconies for single aspect apartments 12, 13, 14 and the balcony for apartment 11 directly adjoin the first floor level of communal open space. Due to the lack of a separation distance between these units and the communal open space I have serious concerns regarding the future residential amenities of these units due to undue overlooking and noise and nuisance.
- 7.9.7. Concerns were also raised by third parties regarding the proximity of the first floor communal open space to the existing petrol station. The communal open space is located c. 2m from the sites southern boundary. I have no objection to its location and consider that it could be appropriately screened to improve the visual amenity and ensure it would not negatively impact on the development potential of adjacent petrol station site.
- 7.9.8. I also have concerns regarding the limited (c. 6m) separation distance between the 4th floor level communal open space to the existing residential dwellings in Oakcourt Grove and Wheatfield Road and the potential for undue noise and nuisance. Drawing no. PL-006 (proposed separation distances) notes that the fourth floor level communal open space would be screened with planting. However, the plan and elevational drawings do not show this screening. Due to the height difference between the proposed development and the adjacent residential dwellings it is my opinion that there is potential to for undue overlooking from the fourth floor communal open space into the rear amenity space of existing dwellings in Oakcourt Grove and Wheatfield Road.
- 7.9.9. It is noted that concerns were also raised by third parties regarding undue noise and nuisance from the areas of communal open spaces. In my opinion, the communal open space would operate in a similar manner to private amenity space and would not give rise to levels of noise or nuisance that would be inappropriate in a residential context within a urban area.

Private Open Space

7.9.10. The private open space provision for all the apartment units has been provided in accordance with the standards set out in the development plan, which is reflective of the standard's set out in the Apartment Guidelines, 2023. While I have no objection to the quantum of private open space, I have concerns regarding the quality of the private amenity spaces of the 6 no. single aspect east facing units (no. 9, 10, 23, 24, 37, 38) at first, second and third floor level which it is proposed to fit with 1.8m high opaque glazing and for apartments 11, 12, 13, 14 which directly adjoin the first floor level of communal open space.

7.10. **Residential Amenity**

Overlooking and Overbearing Impact

7.10.1. The proposed building is c. 18.1m (excluding plant) in height. The balconies on the eastern elevation are located c. 2m from the sties boundary with the existing laneway and c. 7m from the boundary with existing residential dwellings on Oakcourt Grove and Wheatfield Road. The building is located c. 12m from the gable end of no. 1 Wheatfield Road and c. 25m from the rear elevation of existing dwellings on Oakcourt Grove. Given the separation distances and orientation of the buildings it is my view that the scheme would not result in overlooking or have an overbearing impact on the existing dwellings. However, it is noted that due to the internal layout of the building, which includes 6 no. single aspect east facing units, it is proposed to provide 1.8m high opaque screens to prevent overlooking of the private amenity spaces of existing dwellings, which are located a minimum of c. 5m from the balconies. While this feature would prevent overlooking, it is my view that they would negatively impact on the amenities of future residents and are, therefore, unacceptable. As noted above, I also have concerns regarding undue overlooking from the proposed fourth floor communal open space which is located c. 7m from rear boundary wall of no. 12 and 13 Oakcourt Grove and no. 1 Wheatfield Road. I am not satisfied that the proposed scheme has adequate consideration of the potential negative impact on the existing residential properties and would result in undue overlooking of the amenity spaces.

7.10.2. While it is acknowledged that the scheme would be highly visible when viewed from the private amenity spaces of the adjacent dwellings, I am satisfied that due to the separation distances between the existing dwellings and the proposed building and

the orientation of the scheme that it would not result in an overbearing impact on existing dwellings.

7.10.3. It is also noted planning permission was refused in 2017 to construct 2 no houses in the back gardens of no. 12 and 13 Oakcourt Grove, which adjoin the appeal site. It is acknowledged that this permission was refused. However, it is my opinion that the design and layout of the scheme would unduly overlook the potential development of the adjacent site, which is more likely if the laneway, and associated vehicular access is re-opened.

7.10.4. Overall, it is acknowledged that there is a balance between protecting existing residential amenities and developing sites to support the consolidation of the urban environment, however, in my opinion this balance has not been achieved in this instance and that the proposed scheme would unduly overlook the private amenity spaces of the adjacent 2-storey dwellings to the east of the site.

Daylight, Sunlight and Overshadowing

7.10.5. The applicant submitted a Daylight and Sunlight Assessment based on the standards in the following documents:

- BRE Site Layout Planning for Daylight and Sunlight: A guide to good practice - BR 209 (2011);
- BS 8206-2: 2008 – Lighting for Buildings;
- Sustainable Urban Housing: Design Standards for New Apartments; and
- Urban Development and Building |Height Guidelines

7.10.6. Concerns are raised by a third party that the Daylight and Sunlight Assessment were carried out in accordance with BS 8206-2:2008, which only applies to the UK and that a European standard should be applied.

7.10.7. Section 3.2 of the Urban Development and Building Height Guidelines (2018) states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE 'Site Layout Planning for Daylight and

Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'.

7.10.8. The Apartments Guidelines, 2023 also state that planning authorities should have regard to quantitative performance approaches to daylight provision outlined in guides like A New European Standard for Daylighting in Buildings IS EN17037:2018, UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022), or any relevant future standards or guidance specific to the Irish context, when undertaken by development proposers which offer the capability to satisfy minimum standards of daylight provision.

7.10.9. Section 12.6.7 of the Development Plan states that residential developments shall be guided by the quantitative performance approaches and recommendations under the 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guideline to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' or any updated guidance.

7.10.10. While the concerns of the third parties are noted, having regard to the provisions of the development plan, the Building Height Guidelines and the Apartment Guidelines I am satisfied that the BRE 2009 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2022), the BS 8206-2:2008 (British Standard Light for Buildings - Code of practice for daylighting and the updated British Standard (BS EN 17037:2018 'Daylight in Buildings), which replaced the 2008 BS in May 2019 (in the UK) provide appropriate standards to be applied in assessing the potential impact on daylight, sunlight and overshadowing.

Internal Daylight, Sunlight and Overshadowing

7.10.11. In general, Average Daylight Factor (ADF) is the ratio of the light level inside a structure to the light level outside of structure expressed as a percentage. The BS8206 – Part 2 sets out recommended targets for Average Daylight Factor (ADF), these are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. The applicant has applied a 1% target for the bedrooms and a 2% target for the communal Kitchen / Living / Dining Rooms.

- 7.10.12. The assessment was carried out for a sample of apartments within the scheme comprising the first and second floor units. I am satisfied that this provides a reasonable representation of the rooms within the scheme and that the first and second floor units represent the worst case scenario. The information provided in Tables 5 of the applicants report indicates that the scheme has an 100% compliance with the recommended target of 2% for KLD rooms and 1% for bedrooms and in some instances significantly exceeds the recommended target. Therefore, I am satisfied that all of the rooms within the apartments would receive adequate daylight. However, it is unclear from the information submitted in Figures 16 and 17 of the applicants report if the assessment has taken account of the 1.8m high opaque screens proposed at east facing first floor units 9 and 10 and second floor units 23 and 24).
- 7.10.13. Section 3.3 of the BRE guidelines state that good site layout planning for daylight and sunlight should not limit itself to providing good natural lighting inside buildings. Sunlight in the spaces between buildings has an important impact on the overall appearance and ambience of a development. It is recommended that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. Table 7 of the applicants report demonstrates that all areas of communal and public open space associated with the development would achieve the BRE recommended target.

External Daylight, Sunlight and Overshadowing

- 7.10.14. Concerns are also raised by third parties that the proposed scheme would overshadowing existing properties and that VSC was not used to assess the impact on all adjacent properties. Section 3.1 of the applicants report notes that in accordance with BRE guidelines there is no requirement to assess windows of existing properties that do not fall within the zone of influence of the proposed development. In this regard the centre of existing windows must be within a 25 degree angle of the proposed scheme, for daylight to be affected. I am satisfied that an assessment of all windows potentially impacted has been carried out, in this regard 1 and 3 Wheatfield Road, 7-14 Oakcourt Grove, 1 and 2 Oakcourt Avenue 170 and 172 Kennelsfort Road Upper and 215 and 215A Palmerstown Avenue.
- 7.10.15. In general, Vertical Sky Component (VSC) is a measure of the amount of sky visible from a given point (usually the centre of a windows) within a structure. The BRE

guidelines state that if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value occupants of the existing building would notice the reduction in the amount of skylight. The analysis provided in Table 3 of the applicants report indicates that the proposed development would have no material impact on the VSC for these existing buildings and that all values are in excess of BRE standards.

7.10.16. The BRE Guidelines also recommends assessing the impact on Annual Probable Sunlight Hours (APSH) for existing windows that fall within 90 degrees of due south of the proposed development. For the impact to be perceivable the value needs to be reduced below 25% of An Annual Probable Sunlight Hours and 5% in the winter months. The analysis provided in Table 4 of the applicants report indicates that the proposed development would have no material impact on the APSH for these existing dwellings and that all values are in excess of BRE standards.

7.10.17. As noted above Section 3.3 of the BRE guidelines also recommends that at least half of the amenity areas should receive at least 2 hours of sunlight on 21st March. Section 7 of the applicants report demonstrates that while the proposed development may increase the level of overshadowing to adjacent properties, all existing private amenity spaces associated with the existing dwellings would achieve the BRE recommended target and in my opinion the proposed scheme would not unduly overshadow existing properties.

Conclusion

7.10.18. Overall, I am satisfied that the proposed scheme and associated open spaces would have sufficient daylight and sunlight to provide an acceptable standard of residential amenity for their occupants. While the concerns of the third parties are noted I am satisfied that there is no impact on the VSC or APSH for existing properties and no undue overshadowing of private amenity spaces. It is also noted that the planning authority raised no concerns regarding undue overlooking, overshadowing or overbearing impact.

Structural Concerns

7.10.19. Concerns are also raised by a third party that the proposed construction phase could have a negative impact on the structural stability of adjacent existing properties. Vibrations impacts are likely to occur during the construction phase as a result of ground preparation / excavation works and plant and machinery movements. It is acknowledged that vibration in relation to construction sites may result in temporary and short-term disturbance. However, these impacts are unlikely to propagate beyond the construction site boundary. I am satisfied that subject to implementation of best practice control measures no significant impacts are predicted.

7.11. Car Parking

7.11.1. The drawings submitted by way of further information indicate that the proposed development includes 51 no. car parking spaces, 32 no. residential spaces and 13 no. commercial spaces. The majority (48 no.) of car parking spaces are located on the opposite side of Kennelsfort Road Upper, within the existing car park of the Palmerstown Shopping Centre and 3 no. spaces are proposed along Wheatfield Road. The area within the Palmerstown Shopping Centre is included within the applicant's red line boundary.

7.11.2. Concerns are raised by all third parties regarding the location of the car parking, to serve the proposed development, within the existing Palmerstown Shopping Centre car park, which it is stated is not within the applicant ownership. In particular the submissions from The Moriarty Group consider that the applicant does not have sufficient legal interest to include this area within their red line boundary. The submission also states that access these spaces from lands within their ownership and that applicant does not have a sufficient legal interest to access the site. It is noted that The Moriarty Group submission includes a solicitors letter. In response the applicant also submitted a solicitors letter indicating that they have sufficient legal interest in the area identified for car parking and to access these spaces, via Palmerstown Park and the third party lands.

7.11.3. I agree with the assessment of the planning authority that in accordance with Section 5.13 of the Development Management Guidelines for Planning Authorities the planning system is not designed as a mechanism for resolving disputes about rights

over land and that these are ultimately matters for resolution in the Courts. Section 34(13) of the Planning and Development Act 2000 (as amended) states, 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'. As issues in relation to rights over land are ultimately civil / legal issues it is considered that the issue of a right of way should not form the basis of a refusal of permission / retention permission.

- 7.11.4. Notwithstanding whether the applicant has a right of way or ownership of the car parking area or access to these spaces, I have concerns regarding the design and layout of the proposed car park.
- 7.11.5. The car parking area is located at the south eastern corner of the Palmerstown Shopping Centre car park, fronting onto Kennelsfort Road Upper. This area currently forms part of a larger surface car park and the existing car parking spaces within this area are not delineated or segregated from the overall car park. The revised layout of the car parking area results in vehicles exiting the proposed car parking area the wrong way onto a one-way system, within the existing Palmerstown Shopping Centre car park. I have serious concerns regarding the layout of the car parking area and consider that the exiting of vehicles onto a one-way system would endanger public safety by reason of a traffic hazard and permission should be refused on this basis.
- 7.11.6. There is also an existing service yard located along the southern boundary of the Palmerstown Shopping Centre with access / egress at the location of proposed car parking space no. 10. In response to the appeals the applicant has stated that they are happy to omit space no. 10 to retain access to this service area. While this is noted it is unclear how service / delivery access and egress could be managed through the car parking area as it is proposed to provide a barrier to car parking spaces to separate them from the overall car park. It would also result in service vehicles exiting the wrong way into a one-way system.
- 7.11.7. There is also an existing emergency vehicular access to the Palmerstown Shopping Centre car park from Kennelsfort Road Upper, at the eastern boundary of the proposed car parking area. The proposed development would omit this access. Serious concerns are raised in the appeals regarding the loss of the emergency access and the impact on the operation of the shopping centre.

- 7.11.8. Given the location of the existing service yard and the emergency access to serve the Palmerstown Shopping Centre, it is my opinion that due consideration has not been given to the potential negative impact of the proposed development on the operation of the existing shopping centre.
- 7.11.9. Overall, it is my opinion that that notwithstanding any legal right of way over the area of the car park the proposed design and layout of the spaces would negatively impact on the existing operation of the Palmerstown Shopping Centre and would endanger public safety by reason of a traffic hazard. It is recommended that permission be refused on this basis.
- 7.11.10. Concerns are also raised in the appeals regarding the negative impact that the loss of existing car parking spaces would have on the existing uses within the Palmerstown Shopping Centre. The technical note submitted with the Moriarty Group appeal notes that there are 330 no. existing established car parking spaces serving the shopping centre. These spaces serve the existing uses which comprises 3,900sqm of convenience retail, 2,600sqm of community uses and 300sqm office use. It is also stated that the surface car park operates as a public car park for the wider area including Palmerstown Cemetery, which is located to the rear (west) of the shopping centre.
- 7.11.11. Table 12.25 of the development plan sets out maximum car parking standards for non-residential uses. In my view Palmerstown Shopping Centre is located in Zone 2, as it is located within 400m-500m of high quality public transport. There is a standard of 1 no. space per 25sqm of retail use, 1 no. space per 50sqm of civic, community and religious uses and 1 no. space per 75sqm for office space in Zone 2. Therefore, the existing uses within the Palmerstown Shopping Centre, as outlined in the submission from The Moriarty Group, would require a maximum of 212 no. spaces. The proposed development would result in the loss of c. 48 existing car parking spaces for the Palmerstown Shopping Centre. Therefore, c. 282 no. spaces would be retained to serve the existing uses within the shopping centre, which is in excess of the development plan standards. I am satisfied that the re-allocation of 48 no. car parking spaces within the existing shopping centre would not negatively impact on the vitality or viability of the shopping centre as there is sufficient car parking for all existing and proposed uses.

- 7.11.12. Concerns are also raised that the level of car parking and its location off site, to serve the proposed development would result in overspill car parking on Wheatfield Road and the surrounding streets. Table 12.26 of the development plan sets out a maximum car parking standard of 0.75 of a space per a 1-bed apartment and 1 no. space per 2-bed apartment in Zone 2. Therefore the proposed scheme generates a maximum requirement of 44 no. spaces. It is proposed to provide 33 no. residential spaces, which equates to 0.66 of a space per residential unit. Section 12.7.4 of the development plan notes that the maximum provision should not be viewed as a target and a lower rate of parking maybe acceptable subject to a number of criteria including proximity to public transport; proximity to services and amenities; proximity to employment centres. In addition, Section 4.23 of the Apartment Guidelines states in suburban / urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare, planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.
- 7.11.13. As noted above the appeal site is well served by high frequency public transport, with the no. 26 operating every 10 minutes in the peak. It is proposed that this route would be replaced by the 80 under Busconnects, which is also a high frequency route. The subject site is also located directly opposite the Palmerstown Shopping Centre and within 200m of the Cherry Orchard Industrial Estate, 1km (as the crow fly's) of Liffey Valley Shopping Centre, c. 2km (as the crow fly's) of the Hermitage Medical Clinic and c. 2km (as the crow fly's) of Park West Business Park. The appeal site is also well served by local retail, services and amenities with Palmerstown and Ballyfermot.
- 7.11.14. Having regard to the site's location within the urban area, its proximity to public transport and proximity to centres of employment and a wide range of services and facilities it is my view, that the proposed level of car parking is in accordance with the standards set out in the Apartment Guidelines.
- 7.11.15. Table 12.25 of the development plan also sets out a car parking standard of 1 no. space per 40sqm in a bar (public house), 1 no. space per 25sqm retail (convenience). Therefore, the proposed commercial element of the scheme generates a maximum requirement of 32 no. spaces. It is proposed to provide 21 no. commercial car parking spaces. Having regard to the nature and scale of the commercial units and their

location with the existing district centre, I am satisfied that sufficient car parking provision has been provided.

7.11.16. Concerns were raised by third parties regarding the location of the car parking on the opposite side of Kennelsfort Road Upper. Given the sites location with the district centre, I have no objection to the location of the commercial car parking on the opposite side of the road. The applicant also states that the proposed car parking area is currently in use as a car park for the existing uses on site. It was noted during my site visit on the 29th November 2023 that there is a sign within the car parking area that indicates this space is available to customers of the Silver Granite (existing public house on the site). In my opinion the proposed retail units are unlikely to generate a significant number of new trips on the local road network, as customers are likely to use services, amenities and facilities within the District Centre. Therefore, the location of the spaces on the opposite side of the road, which are connected by a pedestrian crossing, is considered acceptable. It is also my view that the public house would generate trips outside of the peak hours for the retail uses.

7.11.17. I have no objection in principle to the location of car parking spaces off site for the retail / commercial units. It is also noted that additional car parking for the existing uses within the appeal site are currently available within the Palmerstown Shopping Centre car park. However, I have some concerns regarding the location of the vast majority of the residential spaces on the opposite side of the road. Although not explicitly stated in the development plan there is an assumption that residential car parking would be provided within the development site and not at an off-site location. It is my view that the location of the car parking on the opposite side of the road would result in a poor quality of residential amenity for future occupants, who would have to cross a busy urban street to access their vehicle. It is noted that the applicant has not provided any justification for the location of the residential car park off site and is solely relying on ownership of the site, which is contested by a third party.

7.12. ***Transportation***

7.12.1. Concerns are raised that the surrounding road network is at capacity and that the additional traffic generated by the proposed development would result in a traffic hazard.

- 7.12.2. A Transportation Assessment (TA) was submitted in support of the application. The TRICS database was used to estimate the number of trips potentially generated by the proposed development. Tables 3.1, 3.2 and 3.3 of the TA provides a breakdown of estimated trips for each use within the development. TRICS estimated that the overall development would generate 43 no. trips in the AM Peak and 73 no. in the PM peak. The proposed uses are likely to include some secondary / diverted trips, however, to allow for the worst-case scenario the TA assumes that all trips to the proposed development are new trips. While the assessment notes that the surrounding road network is heavily trafficked, the trips generated by the proposed development would have a negligible impact on its capacity.
- 7.12.3. Overall, I am satisfied that the traffic generated by the proposed scheme would not have a significant negative impact on the capacity of the surrounding network, which in my opinion is within the norm of a busy urban environment.
- 7.12.4. Serious concerns are raised by the third parties regarding the use of the existing laneway to the east of the appeal site for servicing and deliveries and the potential negative impact that this would have on the existing residential amenities due to noise and nuisance. In response to the appeal the applicant notes that the laneway from Wheatfield Road is currently used by the Silver Granite public house and that the proposed development would continue to use this laneway in a similar manner, which are infrequent servicing and deliveries. In response, third parties state that that all servicing is currently done from Kennelsfort Road Upper.
- 7.12.5. It would appear from the information submitted that the laneway to the east of the appeal site would be resurfaced to allow for service and delivery access to the site. This would increase the width of the existing c. 3.5m wide laneway to c. 7m. It is also proposed that public open space would be provided along this laneway and that residential bicycle parking would be provided at the southern end of the laneway. During my site visit on the 29th November 2023 it was noted that the first c. 22m the laneway is open and accessible, however, the remainder of the southern portion of the laneway, which adjoins the subject site is gated and overgrown. It is unclear if the applicants have permission from the local authority to re-open this laneway. Notwithstanding this, the ground floor level of the proposed building is set back c. 3.5m from the sites boundary with the laneway, therefore, I am satisfied that the commercial

units could be accessed for servicing and maintenance from within the applicants redline boundary and is not reliant on the laneway being re-opened to allow for servicing.

7.12.6. While I am satisfied that the proposed scheme could be serviced from the laneway, I have some concerns regarding the suitability of this location to service the scheme due to the close proximity to existing residential dwellings. In my opinion it is more appropriate to service the development from Wheatfield Road. It is noted that the original application submitted to the planning authority included a set down area on Wheatfield Road, that was omitted by the planning authority during the request for further information. If permission is being contemplated it is my recommendation that this loading bay be re-instated and that all servicing / deliveries occur from the public road. It is also recommended that a condition be attached to restrict the hours that deliveries can occur, to protect residential amenity.

7.12.7. The third parties also raised concerns regarding potential anti-social behaviour on the laneway, if it is reopened. In my opinion the passive overlooking and increased activity on the laneway generated by the proposed scheme would be sufficient to deter anti-social behaviour on the laneway.

7.13. **Water Services**

7.13.1. Concerns are raised by the third parties that there is insufficient capacity within the existing drainage and foul water network networks to accommodate the proposed development.

7.13.2. The appeal site is located on serviced lands in an urban area, which are currently in use as a public house with associated commercial units and car parking. The site is currently served by existing infrastructure. It is intended that surface water from the main development site would continue to flow by gravity to the public network to the east of site, under the adjacent laneway. The scheme includes attenuation measures which would restrict surface water run-off into the public sewer. As such the proposal would not generate significant demands on the existing municipal sewers for surface water. There are no alterations proposed to the car parking area, which from the drawings submitted it would appear drain by gravity to an existing sewer under Kennelsfort Road Upper. The foul discharge from the proposed uses would drain via

the public sewer to the east of the site to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay.

7.13.3. Overall, I am satisfied that the proposed scheme can be accommodated within the public network and that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified. It is also noted that Uisce Eireann and the planning authority raised no concerns in this regard.

7.14. ***Planning Assessment Conclusion***

7.14.1. Overall, I have no objection in principle to a higher density scheme on the proposed site, which is zoned and serviced and located within the urban area and I am of the opinion that this particular area can accommodate increased height over and above the prevailing context of 2 storeys. I also have no objection to the proposed mix of uses. However, it is my opinion that the combination of the location of car parking to serve the residential units on the opposite side of Kennelsfort Road Upper, the location of 4 no. first floor units (numbers 01, 02, 03 and 04) directly above a public house and directly above the outdoor seating area associated with the public house, the poor quality public open space, the internal location and limited size of the bin storage facilities, the requirement to provide 1.8m high opaque screens to serve 6 no. single aspect east facing units, to prevent undue overlooking to the existing dwellings to the east, the provision of 6 no. single aspect north facing units and the proximity of private amenity space for units 11, 12, 13, 14 immediately adjacent to the first floor area of communal open space, in combination with the proposed unit mix of 25 no. 1-bed units and 25 no. 2-bed units with no justification, is not in accordance with the provisions of the South Dublin County Council Housing Strategy 2022-2028 which requires that 30% of units be 3-beds, would give rise to substandard residential amenity for future occupants.

7.14.2. In addition, notwithstanding any legal right of way over the proposed car parking area, the proposed design and layout of the spaces would negatively impact on the existing operation of the Palmerstown Shopping Centre and would endanger public safety by reason of a traffic hazard, by directing vehicles the wrong way into a one-way system, removing an emergency vehicular access and blocking a service access for the shopping centre.

7.14.3. It is my view that due to the level of intervention and redesign required, it would not be appropriate to amend the scheme by way of condition, and that a more optimal design solution for the site could be realised if the development was refused permission.

8.0 **Appropriate Assessment**

8.1. An Appropriate Assessment Screening Report prepared by Openfield Ecological Services was submitted with the application. The report provides a description of the proposed development, identifies the European Sites within a possible zone of influence of the development and an assessment of the potential impacts arising from the development. The AA screening report concludes that on the basis of the screening exercise it can be concluded that the possibility of any significant impacts on any European Sites, whether arising from the project itself or in combination with other plans and projects, can be excluded beyond a reasonable scientific doubt on the basis of the best scientific knowledge available.

8.2. Having reviewed the documents and submissions, I am satisfied that the submitted information allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

8.3. ***Stage 1 AA Screening***

8.3.1. The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s). The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

8.4. ***Brief Description of the Proposed Development***

8.4.1. A description of the project is summarised in Section 2 of my report. In summary, the proposed development comprises the demolition of the existing public house (The Silver Granite) and the construction of a 5-storey over partial basement, mixed use development comprising a gastro pub / restaurant (558sqm) with off-licence (147sqm),

2 no. retail units at ground floor level and 50 no. apartments above. The surrounding area is suburban in nature with a variety of uses, including residential estates, retail, commercial units, educational and community uses. The site is serviced by public water supply and foul drainage networks. The development site is located in a heavily urbanised environment close to noise and artificial lighting. There are limited excavation works proposed. No flora or fauna species for which Natura 2000 sites have been designated were recorded on the application site. There are no watercourses within the site or immediately adjacent to it. The River Liffey is located c. 1km north of the appeal site.

8.5. Zone of Influence

8.5.1. The proposed development is not located within or immediately adjacent to any European Site. Appropriate Assessment Guidance (2009) recommends an assessment of European sites within a Zone of Influence of 15km. However, this distance is a guidance only and a potential Zone of Influence of a proposed development is the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. In accordance with the OPR Practice Note, PN01, the Zone of Interest should be established on a case-by-case basis using the Source- Pathway-Receptor framework and not by arbitrary distances (such as 15km). The Zone of Influence may be determined by connectivity to the proposed development in terms of:

- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;
- Distance and nature of pathways (dilution and dispersion; intervening ‘buffer’ lands, roads etc.); and
- Sensitivity and location of ecological features

8.5.2. As outlined in Section 5.5 above, there are 9 no. European Sites considered be within 15km of the appeal site. These are outlined below.

<i>Rye Water Valley / Carton SAC (001398) c. 8km from the appeal site</i>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

<i>Qualifying Interests/Species of Conservation Interest</i>	Petrifying springs with tufa formation (Cratoneurion) [7220] Vertigo angustior (Narrow-mouthed Whorl Snail) [1014] Vertigo moulinsiana (Desmoulin's Whorl Snail) [1016]
<i>Glenasmole Valley SAC (001209) c. 10 km from the appeal site</i>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) (* important orchid sites) [6210] Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae) [6410] Petrifying springs with tufa formation (Cratoneurion) [7220]
<i>South Dublin Bay SAC (000210) c. 11km from the subject site</i>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]
<i>North Dublin Bay SAC (000206) c. 13km from the subject site</i>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimi) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] Petalophyllum ralfsii (Petalwort) [1395].

Wicklow Mountains SAC (002122) c. 13km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the Violetalia calaminariae [6130] Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] Blanket bogs (* if active bog) [7130] Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Lutra lutra (Otter) [1355]
South Dublin Bay and River Tolka SPA (004024) c.10km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]
North Bull Island SPA (004006) c. 14km from the subject site	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
<i>Qualifying Interests/Species</i>	Light-bellied Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052]

<i>of Conservation Interest</i>	<p>Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Redshank (<i>Tringa totanus</i>) [A162] Turnstone (<i>Arenaria interpres</i>) [A169] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Wetland and Waterbirds [A999]</p>
<i>Wicklow Mountains SPA (004040) c. 15km from the appeal site</i>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	<p>Merlin (<i>Falco columbarius</i>) [A098] Peregrine (<i>Falco peregrinus</i>) [A103]</p>
<i>North-West Irish Sea cSPA (004236) c. 15km from the appeal site</i>	
<i>Conservation Objective</i>	To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
<i>Qualifying Interests/Species of Conservation Interest</i>	<p>Common Scoter (<i>Melanitta nigra</i>) [A065] Red-throated Diver (<i>Gavia stellata</i>) [A001] Great Northern Diver (<i>Gavia immer</i>) [A003] Fulmar (<i>Fulmarus glacialis</i>) [A009] Manx Shearwater (<i>Puffinus puffinus</i>) [A013] Shag (<i>Phalacrocorax aristotelis</i>) [A018] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Little Gull (<i>Larus minutus</i>) [A177]</p>

	Kittiwake (<i>Rissa tridactyla</i>) [A188] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Herring Gull (<i>Larus argentatus</i>) [A184] Great Black-backed Gull (<i>Larus marinus</i>) [A187] Little Tern (<i>Sterna albifrons</i>) [A195] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Puffin (<i>Fratercula arctica</i>) [A204] Razorbill (<i>Alca torda</i>) [A200] Guillemot (<i>Uria aalge</i>) [A199]
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8.5.3. The proposed development has no potential source pathway receptor connections to any other European Sites.

8.5.4. I am satisfied that the potential for impacts on the Rye Water Valley / Carton SAC (001398) Glenasmole Valley SAC (001209), Wicklow Mountains SAC (002122), Wicklow Mountains SPA (004040) and North-West Irish Sea cSPA (004236) can be excluded at the preliminary stage due to the separation distance between the European sites and the proposed development site, the nature and scale of the proposed development, the absence of a hydrological link and an absence of relevant qualifying interests in the vicinity of the works and to the conservation objectives of the designated sites.

8.5.5. Therefore, I consider that only the designated area of sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA could reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.

8.6. ***Consideration of the Impacts***

8.6.1. It is considered that there is nothing unique or particularly challenging about the proposed development, either at construction or operational phase

- 8.6.2. There are no watercourses within the site or in the immediate vicinity of the site. There is an existing building on the main development site. It is intended that surface water would continue to flow by gravity to the public network to the east of site, under the adjacent laneway. There are no alterations proposed to the car parking area, which from the drawings submitted it would appear drain by gravity to an existing sewer under Kennelsfort Road Upper. The habitats and species of Natura 2000 sites in Dublin Bay are between c. 10km and 14km downstream of the site and water quality is not a target for the maintenance of any of the QI's within Dublin Bay. The surface water pathway could create the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the inner section of Dublin Bay. During the construction phase, standard pollution control measures would be put in place. These measures are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed I am satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay from surface water run-off can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).
- 8.6.3. The scheme includes attenuation measures which would have a positive impact on drainage from the subject site. SUDS are standard measures which are included in all projects and are not included to reduce or avoid any effect on a designated site. The inclusion of SUDS is considered to be in accordance with the Greater Dublin Strategic Drainage Study (GDSDS) and are not mitigation measures in the context of Appropriate Assessment. I also note the development is located on serviced lands in an urban area, which is currently used as a public house with associated commercial units. The SUDS / attenuation measures would restrict surface water run-off into the public sewer. As such the proposal would not generate significant demands on the existing municipal sewers for surface water.

- 8.6.4. The foul discharge from the proposed uses on the appeal site would drain via the public sewer to the east of the site to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the subject site and the designated sites in Dublin Bay due to the wastewater pathway. The subject site is identified for development through the land use policies of the South Dublin County Development Plan 2022-2028. This statutory plan was adopted in 2022 and was subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I also note the development would not generate significant demands on the existing municipal sewers for foul or surface water. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP 301798-18 and the facility is subject to EPA licencing (D0034-01) and associated Appropriate Assessment Screening. It is my view that the foul discharge from the site would be insignificant in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible. It is also noted that Uisce Eireann and the planning authority raised no concerns in relation to the proposed development.
- 8.6.5. The Construction and Demolition Waste Management Plan and the Construction Management Plan both state that all waste from the construction phase would be disposed of by a registered facility.
- 8.6.6. The site has not been identified as an ex-situ site for qualifying interests of a designated site and I am satisfied that the potential for impacts on wintering birds, due to increased human activity, can be excluded due to the existing urban nature of the site, the separation distances between the European sites and the proposed development site, the absence of relevant qualifying interests in the vicinity of the works and the absence of ecological or hydrological pathway.

8.7. ***Cumulative In-Combination Effects***

- 8.7.1. I am satisfied that there would be no potential cumulative effects given the nature and scale of the proposed development and the distance to any European sites.

8.8. **AA Screening Conclusion**

8.8.1. It is evident from the information before the Board that on the basis of the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report that, by itself or in combination with other development(s), plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on the South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

8.8.2. In reaching my screening assessment conclusion, no account was taken of measures that could in any way be considered to be mitigation measures intended to avoid or reduce potentially harmful effects of the project on any European Site. In this project, no measures have been especially designed to protect any European Site and even if they had been, which they have not, European Sites located downstream are so far removed from the subject lands and when combined with the interplay of a dilution affect such potential impacts would be insignificant. I am satisfied that no mitigation measures have been included in the development proposal specifically because of any potential impact to a Natura 2000 site.

8.8.3. It is noted that the planners report also concluded that the proposed development either individually or in combination with other projects and plans is not likely to have a significant effect on any European Site.

9.0 **Recommendation**

It is recommended that permission be refused for the following reasons and considerations.

10.0 Reasons and Considerations

1. The design and layout of the proposed car parking area would result in vehicles existing the car park the wrong way onto a one-way system within the existing Palmerstown Shopping Centre car park. The car parking area would also remove an existing emergency vehicular access to the Shopping Centre from Kennelsfort Road Upper and would block access to an existing service area to the south of the Palmerstown Shopping Centre. It is considered that the design and layout of the car parking area would, therefore, negatively impact on the existing operation of the Palmerstown Shopping Centre and would endanger public safety by reason of a traffic hazard.
2. It is considered that that combination of the location of the car parking to serve the residential units on the opposite side of Kennelsfort Road Upper, the location of 4 no. first floor residential units (numbers 01, 02, 03 and 04) directly above a public house, the poor quality public open space, the provision of 1.8m high opaque screens to serve 6 no. single aspect east facing units (numbers 9, 10, 23, 24, 37, 38), the provision of 6 no. single aspect north facing units (numbers 6, 7, 20, 21, 34 and 35), the proximity of private amenity space for units 11, 12, 13, 14 immediately adjacent to the first floor area of communal open space, the internal location of the bin storage facilities, and the proposed unit mix, which is not in accordance with the provisions of the South Dublin County Council Housing Strategy 2022-2028 as set out in Appendix 11 of the South Dublin County Development Plan 2022-2028 would give rise to substandard residential amenity for future occupiers. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Elaine Power
Senior Planning Inspector

13th December 2023

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	313828-22		
Proposed Development Summary	Demolition of existing structures and the construction of a 5 storey over partial basement mixed use development comprising gastro pub / restaurant with off-licence, 2 no. retail units and 50 no. apartments.		
Development Address	Lands at the Silver Granite public house, Palmerstown, Dublin 20		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	No further action required
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?			
Yes		N/A	EIA Mandatory EIAR required
No			Proceed to Q.3
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?			
		Threshold	Comment (if relevant)
			Conclusion
No		N/A	
Yes		10 (b)(i): Construction of more than 500 dwelling units	The proposed scheme falls below the
			Proceed to Q.4

		<p>10 (b)(iv): Urban Development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p> <p>15: Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.</p>	applicable thresholds	
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4. Has Schedule 7A information been submitted?		
No		Preliminary Examination required
Yes		Screening Determination required

Inspector: _____ Date: _____

Appendix 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	313828-22	
Development Summary	Demolition of existing structures and the construction of a 5 storey over partial basement mixed use development comprising gastro pub / restaurant with off-licence, 2 no. retail units and 50 no. apartments.	
Examination		
		Yes / No / Uncertain
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?		No
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?		No
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location*?		No
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?		No
Comment (if relevant)		
Conclusion		
Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment **?		
There is no real likelihood of significant effects on the environment	EIAR not required	X
There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	Screening Determination required	No
	Sch 7A information submitted?	Yes No
There is a real likelihood of significant effects on the environment	EIAR is required (Issue notification)	

Inspector _____ **Date:** _____

DP/ADP _____ **Date:** _____

(only where EIAR/ Schedule 7A information is being sought)

* Sensitive locations or features include SAC/ SPA, NHA/ pNHA, Designated Nature Reserves, and any other ecological site which is the objective of a CDP/ LAP (including draft plans)

** Having regard to likely direct, indirect and cumulative effects